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**MAILED
MAY 10 2011
OFFICE OF PETITIONS**

In re Application of
Seung-Dong KANG et al.
Application No. 09/275,808
Filed: March 25, 1999
Attorney Docket No. SEC.626

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: **DECISION ON PETITION**
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This is a decision on the petition under 37 CFR 1.181, filed January 13, 2011, which is being treated as a renewed petition under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before September 19, 2000, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 19, 2000. Accordingly, the date of abandonment of this application is September 20, 2000.

A review of the written record indicates no irregularity in the mailing of the Notices. On August 29, 2001 the Notice of Abandonment was mailed to Jones Volentine Steinbert & Whitt. A change of address was not filed until October 12, 2007. The failure to receive a petition decision cannot be a persuasive argument that the abandonment was improper. Abandonment occurs by statute. The application was properly abandoned.

A renewed 37 CFR 1.137(b) is required. The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire

delay, including the date it was discovered that the application was abandoned until the filing of a grantable petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.



Thurman K. Page
Petitions Examiner
Office of Petitions